

REMARKS/ARGUMENTS

Claims 5 and 36 have been amended. Claims 2-15, 17-31, 36 and 37 are in this application.

Claims 2-10, 15, 17-26, 31 and 36-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tokyo Shibaura Electric Co. (9-179549) and Walden (U.S. Patent No. 4,081,850). In addition, claims 11-14 and 27-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tokyo Shibaura Electric Co., Walden and Mill (U.S. Patent No. 6,353,870).

Amended independent claim 36 now recites in part the following:

a manipulating unit configured to be arranged on a plane perpendicular to a longitudinal direction of said housing case at the one end side;

a strap attaching unit configured to be arranged at the one end side, wherein the strap attaching unit is at a predetermined position spaced from the manipulating unit in a direction of the other end side;

. . .

a power supply unit configured to contain a power supply and to be arranged at the other end side of the housing case, wherein, when the power supply is within the power supply unit, a center of gravity of the device is substantially at the other end side in the longitudinal direction of the housing case and the predetermined position of the strap attaching unit is spaced from the center of gravity of the device in a direction of the one side end, so as to orient the manipulating unit in a predetermined direction when the device is supported at the strap attaching unit from a direction of the one end side;

(Emphasis added). Accordingly, the device of claim 36 includes a manipulating unit and a strap attaching unit arranged at one end side of a housing case, where the strap attaching unit is at a

predetermined position spaced from the manipulating unit in a direction of the other end side, and a power supply unit to contain a power supply arranged at the other end side of the housing case. In addition, claim 36 requires that, when the power supply is within the power supply unit, a center of gravity of the device is substantially at the other end side in the longitudinal direction of the housing case, and the predetermined position of the strap attaching unit is spaced from the center of gravity in a direction of the one side end, so as to orient the manipulating unit in a predetermined direction when the device is supported at the strap attaching unit from a direction of the one end side. (See specification, for example, at pg. 14, ln. 11-pg. 15, ln. 4, pg. 16, ln. 8-20 and pg. 48, ln. 7-15, and FIGs. 4B, 4D and 6).

It is respectfully submitted that the applied portions of Tokyo Shibaura Electric and Walden do not appear to disclose or suggest a portable recording and/or reproducing device containing a manipulating unit, a strap attaching unit and a power supply unit to contain a power supply, arranged such that a center of gravity of the device is substantially at the other end side of a housing case so as to orient the manipulating unit in a predetermined direction, when a power supply is within the power supply unit and the device is supported at the strap attaching unit, as now specifically recited in claim 36.

Accordingly, it is respectfully submitted that amended independent claim 36 is distinguishable from the combination of Tokyo Shibaura Electric and Walden applied by the Examiner.

Claims 2-10, 15, 17-26, 31 and 37 depend from independent claim 36. It is, therefore, respectfully submitted that claims 2-10, 15, 17-26, 31 and 37 are distinguishable from the combination of Tokyo Shibaura Electric and Walden applied by the Examiner for

at least the reasons previously described with respect to claim 36, and because of the additional restrictions they require.

Further, claims 11-14 and 27-30 depend from independent claim 36. Consequently, claims 11-14 and 27-30 are distinguishable from the combination of Tokyo Shibaura Electric and Walden applied by the Examiner for at least the reasons previously described with respect to claim 36. In addition, the Examiner does not appear to rely on Mills to overcome the above-described deficiencies of Tokyo Shibaura Electric and Walden. Accordingly, it is also respectfully submitted that dependent claims 11-14 and 27-30 are distinguishable from the combination of Tokyo Shibaura Electric, Walden and Mills applied by the Examiner for at least the reasons previously described with respect to claim 36, and because of the additional restrictions they require.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/868,029

Docket No.: SONYJP 3.3-734

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 1, 2010

Respectfully submitted,
Electronic signature: /Davy E.
Zoneraich/
Davy E. Zoneraich
Registration No.: 37,267
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

LD-446
1130185_1.DOC